

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,  
CENTRAL DIVISION**

<p>JAMES L. DRIESSEN, and MARGUERITE A. DRIESSEN.,</p> <p>Plaintiffs and Counterclaim Defendants,</p> <p>vs.</p> <p>SONY BMG , et al.</p> <p>Defendants and Counterclaim Plaintiffs.</p>	<p><b>ORDER DENYING MOTION FOR ADR</b></p> <p>Case No. 2:09-cv-140</p> <p>Judge Clark Waddoups</p> <p>Magistrate Judge Brooke Wells</p>
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Before the court are Plaintiffs James and Margurite Driessen's Motion for ADR.<sup>1</sup> As noted by Plaintiffs, Local Rule 16-2(e) provides that "Referral into the court's ADR program will be made by order of the district, bankruptcy, or magistrate judge."<sup>2</sup> The rule goes on to provide that referrals to mediation or arbitration are done after consulting with the parties.<sup>3</sup>

In response to Plaintiffs' motion Defendants state that while they "are enthusiastic about ADR generally, at this time, ADR is not appropriate in this case."<sup>4</sup> But, "ADR may be appropriate at a later date after the case is more fully developed." The court agrees. Now is not the appropriate time for a referral to the court's ADR program. Accordingly, it is therefore

**ORDERED** that Plaintiffs' Motion for ADR is DENIED.

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<sup>1</sup> Docket no. 77.

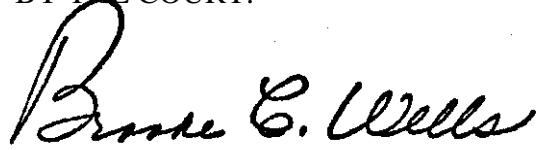
<sup>2</sup> DUCivR 16-2(e) (2009).

<sup>3</sup> See *id.*

<sup>4</sup> Op. p. 2.

DATED this 13th day of October, 2010.

BY THE COURT:



Brooke C. Wells

Magistrate Judge Brooke Wells